

## The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GAYLAH BALTER, )  
v. ) Plaintiff, ) NO. 3:13-cv-05403-BHS  
NOVARTIS PHARMACEUTICALS ) ORDER TO SHOW CAUSE  
CORPORATION, )  
Defendant. )

THIS MATTER comes before the Honorable Benjamin H. Settle on Defendant Novartis Pharmaceuticals Corporation's Motion For Order to Show Cause. The Court, having reviewed the records and files herein,

ORDERS Anaya Balter to produce within 21 days of the date of this Order her sworn statement establishing the matters in paragraphs 1 through 4 below and the sworn statements of the distributees/beneficiaries of the Estate of Gaylah Balter establishing the matters in paragraph 5:

- That she is the proper party to continue prosecuting this lawsuit and that there are no other persons or entities who should be added as plaintiffs to this lawsuit;

**ORDER TO SHOW CAUSE - 1**

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- 1        2. Proof of the distribution of the Estate of Gaylah Balter in 2007, including  
2              whether any interests in this lawsuit were included in that distribution and, if  
3              so, how they were distributed;
- 4        3. The current status of the Estate of Gaylah Balter, including whether the estate  
5              may be re-opened at this time and, if so, whether Anaya Balter is willing to act  
6              as the “personal representative” of Estate of Gaylah Balter; and
- 7        4. Acknowledgment of all other distributees/beneficiaries of the Estate of Gaylah  
8              Balter consent to Anaya Balter continuing to prosecute this lawsuit and
- 9        5. Sworn statements from the other distributees/beneficiaries of the Estate of  
10             Gaylah Balter that they either: (a) consent to Anaya Balter continuing to  
11             prosecute this lawsuit and delegate to her all decision-making authority relative  
12             to the prosecution of this lawsuit, with an acknowledgement that each  
13             distributee has notice that, if NPC prevails and secures a cost award, that award  
14             may be entered against them; or (b) that they wish to be named as additional  
15             substitute plaintiffs in this lawsuit, if the Court directs them to file a Rule 25(c)  
16             motion seeking that result.

15             Dated this 14<sup>th</sup> day of November, 2013.

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BENJAMIN H. SETTLE  
United States District Judge

Presented by:

MERRICK, HOFSTEDT & LINDSEY, P.S.

By: /s/ Nancy C. Elliott

Nancy C. Elliott, WSBA #11411  
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ORDER TO SHOW CAUSE - 2

Case No. 3:13-cv-05403-BHS

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